

TITLE 83: PUBLIC UTILITIES  
 CHAPTER I: ILLINOIS COMMERCE COMMISSION  
 SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN  
 ONE KIND OF UTILITY

PART 265

PROTECTION OF UNDERGROUND PUBLIC UTILITY FACILITIES (REPEALED)

Section

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AUTHORITY: Implementing Section 8-505 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 8-505 and 10-101), and implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 553).

SOURCE: Effective January 16, 1962; codified at 8 Ill. Reg. 18462; amended at 10 Ill. Reg. 19407, effective November 15, 1986; repealed at \_\_\_ Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 265.10 Application of Rules

- a) This Part shall apply to any “public utility” as defined in Section 3-105 of the Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 3-105), any telecommunications carrier subject to the jurisdiction of the Illinois Commerce Commission pursuant to Article VIII and Article XIII of the Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 8-101 to 8-510 and 13-100 to 13-803), and all persons subject to the jurisdiction of the Illinois Commerce Commission under the Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 551 et seq.).
- b) As used in this Part, the terms “public utility” and “utility” shall mean all entities to which this Part is made applicable by subsection (a).

(Source: Amended at 10 Ill. Reg. 19407, effective November 15, 1986)

Section 265.20 Location Records

- a) Every public utility shall maintain records showing the location of all of its underground facilities, installed after the date of this Part except:

- 1) relatively minor facilities which connect a particular premises or building to a facility serving more than one premises or building.
  - 2) where such utility also owns or has a proprietary interest in and uses the surface of the land (either directly or through a subsidiary or affiliated interest.
- b) Every public utility shall be able to located all of its underground facilities installed after January 16, 1962, the effective date of this Part:
- 1) by maintaining accurate records showing the location of such facilities or,
  - 2) by maintaining equipment which can locate such facilities in this field.
- c) It is recommended that every public utility prepare and maintain, to the extent practicable, records showing the location of all of its underground facilities existing on the date of this Part except:
- 1) relatively minor facilities which connect a particular premises or building to a facility serving more than one premises or building and,
  - 2) oil or gas gathering or field lines.

#### Section 265.30 Construction and Maintenance Work-Non-Emergencies

Every public utility, in connection with any non-emergency construction or maintenance work involving excavation or any operation which might interfere with existing underground facilities shall:

- a) determine, to the extent reasonably possible, the existence of underground facilities in and near the construction area;
- b) identify on appropriate construction plans, with such warnings as may be reasonable, the existence of underground facilities determined to be in and near the construction area;
- c) plan the work to avoid or minimize interference with existing underground facilities in and near the construction area;

- d) provide reasonable advance notice of the start of the work to be known owners of existing underground facilities in and near the construction area and request such owners to mark by mutually acceptable means the locations of such facilities in the field;
- e) expose existing underground facilities at points of indicated interference in the construction area by handdigging where such exposure is requested by the owners of such facilities or is reasonably necessary for the protection of such facilities;
- f) provide such support for existing underground facilities in and near the construction area as may be reasonably necessary for the protection of such facilities; and
- g) backfill all excavations in such manner and with such materials as to provide reliable support for existing underground facilities in and near the construction area.

#### Section 265.40 Emergency Construction and Maintenance Work

When emergency construction or maintenance work by any public utility involving excavation or any other operation which might interfere with existing underground facilities is necessary, the public utility performing the work may proceed, if necessary, without meeting the specific requirements of Section 265.30(a)-(e), provided that such public utility shall:

- a) take all reasonable precautions to avoid or minimize interference between the emergency work and existing underground facilities in and near the construction area and,
- b) notify as promptly as possible the public utilities known to have underground facilities in and near the construction area.

#### Section 265.45 Definitions

In this Part, the following words shall have the definitions shown:

“Handdigging” -- The method employed to excavate for the exposure of existing underground facilities shall be limited to the use of hand-operated tools such as shovels, spades, picks, bars, etc., or automatically-powered hand devices designed to be held in the hand of the operator when in use. The use of automatically- powered hand tools such as air or electric-powered drills, spades, breakers, etc., shall be restricted to the breaking of existing pavement or other surface material that cannot be practically removed with common hand tools; or to the removal of frozen

soil or other frozen material where the removal cannot be reasonably accomplished by the use of common hand tools.

“Interfere” -- The existence of underground facilities at such a location that their presence will obstruct the construction of a facility of another public utility, or at such a location that the processes of construction of underground facilities by another public utility can conceivably cause damage to, or otherwise jeopardize, the existing underground facility.

“Support” -- The installation of shoring, braces, props, or other equipment or material to prevent the displacement of existing underground facilities both during and after the construction or excavation activities of the utility doing the work.

“Underground Facilities” -- Any conduit, pipe, duct, tile, manhole, vault, wire, cable or appurtenance thereto placed or constructed beneath the surface of the earth by a public utility for the purpose of providing the utility service the owner is enfranchised or otherwise authorized to render.

#### Section 265.50 State-Wide One-Call Notice System

AGENCY NOTE: (Not applicable to railroad utilities or utilities operating facilities exclusively within the boundaries of the City of Chicago.)

Within eighteen (18) months from September 8, 1976, the utilities, in a joint endeavor, shall cause the development, construction, operation and maintenance of a State-Wide One-Call Notice System for the exchanging of information between excavators and utilities so that the utilities will know where and when excavation is to take place and the excavators will know where the underground facilities are located, all in accordance with the following criteria:

- a) the State-Wide One-Call Notice System should be designed, organized, financed, operated, maintained and controlled by the privately-owned public utilities and others subject to the jurisdiction of this Part as a joint endeavor;
- b) provide for a minimum notice period not to exceed 48 hours (excluding Saturdays, Sundays and holidays) in order to assure that the marking of the location of underground utility facilities will occur prior to excavation;
- c) provide a readily accessible, free of charge, One-Call Notice System whereby any person desiring to excavate may give notice to owners of all underground public utility facilities located in the area of the proposed excavation;

- d) provide procedures for verifying that notice was received from the excavator and acknowledged by any owners of the underground utility facilities located in the area of excavation;
- e) provide publicity of the One-Call Notice System to assure substantially all excavators are informed of the notice procedure;
- f) provide for participation by utilities not subject to the jurisdiction of the Commission;
- g) provide for participation by small utilities at an economically feasible unit cost per call;
- h) provide for “notice areas” no larger than one section of land;
- i) provide;
  - 1) for the gathering of information from excavators as to:
    - A) the location and description of the excavation,
    - B) date and time the excavation is to begin,
    - C) name of person or company doing the excavation,
    - D) name and phone number of persons to be contacted about the excavation.
  - 2) for distribution of the information to utilities with underground facilities in the area of the excavation;
- j) provide an informational system to indicate to excavators that no underground facilities exist in the area of excavation, if marking of the location of underground utilities does not exist on the site at the expiration of the notice period;
- k) provide requirements that information needed to operate the system within each utility's domain be identified and provided by the utilities to the notice system operator;
- l) provide for the financing and sharing of cost of construction, operation and maintenance of the system among the utilities;
- m) provide for the resolution of liability problems resulting from operation of the system.